

**OFFICIAL MINUTES OF THE
WEBB COUNTY COMMISSIONERS COURT
MEETING OF MAY 13, 2002
LAREDO, TEXAS**

Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 9:00 a.m. at the regular meeting place with the following members present to wit:

Mercurio Martinez, Jr.
Jerry Vasquez
Judith Gutierrez
Felix Velasquez
Miguel Urdiales

County Judge
Commissioner Prct. #1
Commissioner Prct. #2
Commissioner Prct. #3
Commissioner Prct. #4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the agenda as posted in the meeting notice of the 9th of May 2002. Present also were Ms. Norma V. Garcia, Deputy County Clerk, representing Mr. Henry Flores, Ex-Officio Clerk of the Commissioners Court, various officers and others interested in the business of the court.

02-05-169

1. Call to order – Judge Martinez
Invocation – Commissioner Gutierrez
Pledge of Allegiance – said by all

Mr. Edmundo Garcia, Trautman Middle School Band Director came before the court to introduce Marachi Internacional. The Marachi Band serenaded all mothers present.

The court presented the “Reaching for the Stars” award to each band member for

02-05-170

2. Approval of Minutes –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Velasquez with all voting “Aye”, in favor to accept the minutes as presented.

02-05-171

3. Communications –

Commissioner Velasquez advised that the next Commissioners Court meeting would be held at 5:30 p.m. and also that the Parks Committee would hold a meeting on May 16, 2002 at 5:30 p.m.

Commissioner Gutierrez stated that the Morgue Committee would begin holding meetings again. Commissioner Gutierrez stated that Doctor’s Hospital would be donating old equipment.

Commissioner Urdiales asked the court to consider donating the land at the old Detention Center to the United Independent School District for schools, which are badly needed.

02-05-172

4. Bills, Payroll and Monthly Reports –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to accept all monthly reports as submitted.

02-05-173

5. Proclamations/Resolutions –

A motion was made by Commissioner Urdiales and seconded by Commissioner Gutierrez with all voting “Aye”, in favor to accept the following Proclamations:

“National Historic Preservation Week”

Mr. Juan Sanchez, Border Region MHMR addressed the court regarding this Proclamation.

Judge Martinez read the Proclamation for the public at this time.

A motion was made by Commissioner Urdiales and seconded by Commissioner Gutierrez with all voting “Aye”, in favor to approve Proclamation for “Mental Health Month”.

02-05-174

6. – a. Tax Assessor-Collector –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to approve the following refunds:

Conoco
Reason: Over payment
Total refund: \$ 1,035.37

The Independent Bankers Bank
Reason: Over payment
Total refund: \$ 1,218.89

Falcon National Bank
Reason: over payment
Total refund: # 2,136.61

Webb County Tax Office
Reason: split to acct. # 932-0010-190
Total refund: \$ 851.63

Wells Fargo Home Mortgage
Reason: Value on improvement was for another account
Total refund: \$ 811.27

Webb County Tax Office
Reason: Lot 4 and improvement split to new account
Total refund: \$ 658.65

William H. McKendrick III
Reason: Double assessed from 1997 to 2001
Total refund: \$ 1,265.88

6. – b. Law Library –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Velasquez with all voting “Aye”, in favor to approve a line-item transfer as follows:

From: acct. 001-1130-6402 (equipment) \$ 200.00
To: acct. 001-1130-6001 (office supplies) \$ 200.00

6. – c.& d. Constable Tino Juarez / Extension Agent –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Velasquez with all voting “Aye”, in favor to approve a line item as follows –

From: acct. 001-2505-5602 (adm. travel) \$ 2,000.00
To: acct. 001-2502-6202 (uniforms) \$ 2,000.00

And;

Approve line item transfer as follows:

From: acct. 001-5001-5602 (in-county mileage) \$ 2,000.00
6010 (books/subs.) \$ 500.00
6402 (repairs/maint. equip.) \$ 500.00

Total \$ 3,000.00

To: 001-5001-5601 (adm. travel) \$ 3,000.00

6. – e. Head Start –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Velasquez with all voting “Aye”, in favor to approve Head Start Refunding Application for Fiscal Year 2002-2003 (9-2-2002 through 8-31-2003) for a total grant amount of \$ 9,340,160 (Federal monies \$ 7,472,085 and \$ 1,868,021 in-kind. This allows a continuation of Head Start services for 1,150 low income children in 20 Head Start Centers and 284 employees) and;

Approve a one-time funding application for Fiscal Year 2002-2003 (September 2, 2002 through August 31, 2003) for a total grant amount of \$ 152,669 (Federal Grant monies \$ 122,135 and \$ 30,534 in-kind. This one-time fund application is for surfacing material for playgrounds. State licensing requires soft surfacing material to decrease injury to children).

6. – f. Webb County Engineering –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to establish Lot 105, Block 4, located in Rio Bravo Subdivision Unit III, as an access easement by separate instrument (This action is required to obtain the approval of Planning and Zoning Commission for the platting of the 20-acre tract in which the Regional Wastewater Treatment Plant is located).

6. – g. Road & Bridge Department –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Velasquez with all voting “Aye”, in favor to charge \$ 150.00 for a “Geophysical and Sismic tests. The process entails a vibration method and not the use of explosives).

6. – h. Water Utilities –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Velasquez with all voting “Aye”, in favor to approve a line-item transfer as follows:

From: acct. # 801-3001-6011 (train/ed.) \$ 1,000.00
6017 (printing/printing supplies) \$ 1,500.00
6205 (materials/supplies) \$ 500.00

\$ 3,000.00 total

To: acct. # 801-3001-6403 (repair/maint. vehicles) \$ 1,000.00
6407 (repair/maint.shop) \$ 2,000.00

\$ 3,000.00 total

6. – i.

1. Appoint committee / Webb County Deputy Sheriff’s Association –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to appoint Commissioner Urdiales as Chairman of the committee to negotiate contract with the Webb County Sheriff’s Association.

Amendment –

A motion to amend the previous motion to include Commissioner Velasquez on the committee to negotiate contract with the Webb County Sheriff Association was made by Commissioner Gutierrez and seconded by Commissioner Velasquez. Voting in favor of this motion were Commissioner Gutierrez and Commissioner. Voting against were Commissioner Vasquez, Commissioner Urdiales and Judge Martinez. The vote being 3 to 2 motion did not pass.

Mr. Homero Ramirez, County Attorney informed the court that the court should bring back the members that will be on the committee at the next meeting. Judge Martinez stated that they should include the County Auditor and County Attorney or representative.

2. Adopt Summer Hours –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Velasquez with all voting “Aye”, in favor to adopt summer hours effective May 31, 2002 through August 30, 2002 for the offices located at the Webb County Courthouse, 1000 Houston, St.:

Monday through Thursday: 8:00 am to 12 noon
12:30 to 5:30 p.m. (36 hrs.)
Friday: 8:00 am to 12 noon (4 hrs.)

3. Line-Item Transfer –

A motion was made by Commissioner Urdiales and seconded by Commissioner Gutierrez with all voting “Aye”, in favor to approve the following line-item transfer:

From: acct. 001-0109-7459 (work study) \$ 25,000
To: acct. 001-0200-5005 (part-time) \$ 25,000

4. Tabled Item –

A motion was made by Commissioner Vasquez and seconded by Commissioner Gutierrez with all voting “aye”, in favor to table this item:

Action to enter into a Professional Service Agreement with Mr. Juan Angel Guerra to initiate Voter Identification Cards for Webb County at a cost of \$ 5,000.00 and ordering an exemption from Section 262.023 Local government Code (Competitive Bidding and Competitive proposal Requirements) and authorize county Judge to execute same.

5. Deferred item –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to defer this item:

Action regarding request for audit on construction costs and other expenditures for the Webb County Detention Facility sold to Corrections Corporation of America.

A motion was made by Commissioner Vasquez and seconded by Commissioner Gutierrez with all voting “Aye”, in favor to move up item 02-05-178 10. – d.:

Maintenance Agreement –

A motion was made by Commissioner Vasquez and seconded by Commissioner Gutierrez with all voting “Aye”, in favor to approve to enter into a two year Maintenance Agreement (5-1-2002 through 4-30-2004) with **Thyssenkrupp** for the maintenance of three (3) Dover elevators at the Webb County Law Enforcement Center at the rate of \$ 945.00 per month and authorizing the County Judge to execute all relevant documents.

6. Tabled item –

A motion was made by Commissioner Vasquez and seconded by Commissioner Gutierrez with all voting “Aye”, in favor to table this item:

Action regarding reducing age requirements for senior golf players at the Casa Blanca Golf Course.

7. Solicit Bids / Drilling of Water Well –

A motion was made by Commissioner Urdiales and seconded by Commissioner Vasquez with all voting “Aye”, in favor to solicit bids for the drilling of a water well to be located on a 3.62 acre site north of Highway 83.

8. Agreement / Laredo International Fair Exposition (L.I.F.E.) -

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to direct the County Attorney to write a letter to the President of L.I.F.E. with reference to tractor trailers parked on L.I.F.E. grounds.

6. – j Community Action Agency –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to accept additional funding from The Texas Department of Housing and Community Services Block Grant for Fiscal Year 2002 in the amount of \$ 36,084 (additional funds will be placed in health insurance, equipment, travel, office supplies, repairs and maintenance of vehicles, equipment rental, telephone and repairs and maintenance of buildings).

6. – k.

1. – 4. Webb County District Attorney –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Velasquez with all voting “Aye”, in favor to approve ‘Violence Against Women’s Act Program – Domestic Violence Counselors Grant’ awarded to the District Attorney’s Office for the amount of \$ 117,633 with county cash match of \$ 44,442 effective June 1, 2002 and authorizing the County Judge to execute all relevant documents and;

Approve “Women’s Legal Advocate Position (prosecutor) Grant” for Violence Against Women’s Act Program awarded to the District Attorney’s Office in the amount of \$ 60,004 with a county cash match of \$ 17,219 effective June 1, 2002 and authorize the County Judge to execute all relevant documents and;

Approve ‘Court Advocate Position – Violence against Women’s Act Program Grant’ awarded to the District Attorney’s Office in the amount of \$ 42,020 with a county cash match of \$ 10,908 effective June 1, 2002 and authorize the County Judge to execute all relevant documents and;

Approve “Victims of Crime Act Grant” awarded to the District Attorney’s Office in the amount of \$ 54,759 with a county cash match of \$ 19,318 and authorize the County Judge to execute all relevant documents.

02-05-17

7. –a.- e. Planning Department –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to approve the following items:

Authorize the filling of a part-time slot effective May 17, 2002 and continuing to the remainder of the fiscal year to include funding of this position through a line-item transfer as follows:

From: acct# 010-0102-911 (asst. planning director) \$ 5,300.00

To: acct.# 010-0102-5005 (part-timers) \$ 5,300.00 and;

Issue “Certifications regarding compliance with plat requirements and the connections of utilities” to authorize the following utility connections to the following properties:

Connections qualifying under Section 232.029 (i):

Lot 18, Block 14, Pueblo Nuevo Subdivision (electricity – one dwelling only)
Lot 58, Las Pilas II Subdivision (electricity – one dwelling only)
Lot 19, Block 7, Pueblo Nuevo Subdivision (electricity – one dwelling only)
Lot 13, Ranchitos 359 East Subdivision (electricity – one dwelling only)
Tract 35, Ranchitos Los Centenarios Subdivision (electricity – one dwelling) and;

Approve the proposed road/street name under the County’s 911 Rural Addressing efforts for the following area:

Location:

Road Name:

Ben-Hur ranch (FM1472)

Ben-Hur Ranch Road and;

Issue a “Certificate of No Plat Required” pursuant to the exemption provisions of the Webb County Subdivision Regulations under Section XVI, Subsection 1.A (2) to **Verizon Wireless** located at 14428 I.H. 35 for a 100’ x 100’ tract out of an unplatted 5.22 acre tract as further depicted by a survey map submitted by applicant (said parcel is leased for the construction of a communications tower) and;

Issue a “Certificate of No Plat Required” pursuant to the exemption provision of the Webb County Subdivision Regulations under section XVI, Subsection 1.A (2) to **Cingular Wireless** located at 29652 Pinto Valle, Drive for a 100’ x100’ tract more or less, as described in that certain Warranty Deed with Vendor’s Lien recorded in Volume 1484, Page 633-642 of the Webb County Real Property records. Tower Site is described further depicted on a sketch of the 50.3921 acre tract submitted by applicant (said parcel is leased for the construction of a Communications Tower).

7. – f. City of Laredo Fire Fighting Training Facility Plat –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to approve the Preliminary and Final Plat approval for the City of Laredo Fire Fighting Training Facility Plat.

Mr. Rodolfo Torres, Mejia Engineering and Captain Alarcon, Laredo Fire Department provided a display of the proposed training facility.

02-05-176

8. – a. – f. Economic Development –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Urdiales with all voting “Aye”, in favor to approve the following items:

Solicit Construction bids for the Bruni Community Center TCDP Contract # 720889 contingent upon approval of final plans and specifications by the County Engineer and;

Solicit Construction bids for the Community Center expansion TCDP Contract # 721859 contingent upon approval of final plans and specifications by the County Engineer and;

Submit a Contract and Budget amendment to TCDP Contract # 721859 Oilton Rural Water Supply elevated storage tank. A total of \$ 85,000 will be reallocated from the Community Centers to Water Improvements line items and;

Authorize the submission of a request for a 6-month contract time extension to the Highway 59 facilities plan from the Texas Water Development Board and the Border Environment Cooperation Commission (BECC) and;

Authorize the submission of application to the North American Development Banl (NAD Bank) for a water rate study for the county’s certificate of Convenience and Necessity (CCN) area on Highway 59 and;

Authorize Contract Amendment # 6 for TCDP Contract # 718003 (Self Help Center). The Contract Amendment will include a budget modification and contract extension up to October 9, 2002 in order to complete the drainage improvement activities.

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to recess the meeting for 1:30 p.m.

Judge Martinez called the meeting to order. Commissioner Gutierrez provided the invocation.

02-05-177

9. – a. Purchasing Department –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Velasquez with all voting “Aye”, in favor to obtain the services of A.M.P. Electrical Co. to provide electrical lines for a total amount of \$ 8,633.00 for the second water well located at the Casa Blanca Golf Course

9. – b. Award Bids/Proposals –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Velasquez with all voting “Aye”, in favor to award Bid # 2002-54 “Water Well – Casa Blanca Golf Course to Woods Drilling Co.

A motion was made by Commissioner Gutierrez and seconded by Commissioner Urdiales with all voting “Aye”, in favor to award Bid # 2002-53 ‘One 2002 Vibratory Compactor” to Nueces Power Equipment.

A motion was made by Commissioner Gutierrez and seconded by Commissioner Urdiales with all voting “Aye”, in favor to award Bid # 2002-55 “One 2002 propelled Multi-Purpose Sweeper” to Nueces Power Equipment.

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to defer this item:

Proposal # 2002-03 “Telecommunications Services”

A motion was made by Commissioner Vasquez and seconded by Commissioner Gutierrez with all voting “Aye”, in favor to award Proposal # 2002-04 “Proposal for Architectural Service Justice of the Peace building – South Laredo (Capital Outlay 2001) to Frank Architects.

9. – c. Solicit Bids / Agricultural and Hunting Lease –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to solicit bids for Agricultural and Hunting Lease El Penjamo and El Llano Pastures Texas School Lands.

9. – d. Purchase Mailboxes -

A motion was made by Commissioner Vasquez and seconded by Commissioner Gutierrez with all voting “Aye”, in favor to purchase mailboxes from Salsbury Industries in the amount of \$ 6,668.50 for the mail room located in the tax office.

9. – e. Retain the services of Mr. Steve E. Landin –

A motion was made by Commissioner Vasquez and seconded by Commissioner Gutierrez with all voting “Aye”, in favor to retain the services of Mr. Steve E. Landin, Fire & EMS Consultant for a total for total amount of \$ 8,000.00 to provide the county the necessary specifications required to purchase an emergency responsive vehicle.

9. – f. Purchase Materials / CAA – Weatherization Program –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to approve the purchase of materials from Border Insulation, Grainger and Sears Companies for the CAA-Weatherization program through The SBF Grant (Systems benefit fund must be spent by May 31, 2002) for a total of \$ 135,402.00 for Father Kirshner and Lulac Haven complexes.

9. – g. Solicit Bids / IBM AS/400 –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to solicit bids to replace the existing IBM AS/400 Main Frame Computer (Bond Series 2001).

02-05-178

10. – a. County Attorney –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to enter into an “Additional Support Services and Fees” Agreement with New World Systems for 32 hours of training and installation support at a cost of \$ 4,320 plus actual and reasonable travel expenses divided between all new world customers visited on a single trip and authorizing the County Judge to execute all relevant documents.

10. – b. City of Laredo / Head Start Lease -

A motion was made by Commissioner Gutierrez and seconded by Commissioner Urdiales with all voting “Aye”, in favor to execute the first and final option to renew original lease dated March 1, 2000 between Webb County and the City of Laredo for the approximate 380 sq. ft. constituting Suite 9 of building S-1 located at 1718 E. Calton Road at the Laredo International Airport with the new term commencing on March 1, 2002 and ending February 28, 2003, at a monthly rental of \$ 494.00 and authorizing the County Judge to execute same.

10. – c. Submit Application -

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to submit an application for Nonurbanized Area Formula Assistance program funded by the Federal transit Administration and the Texas Department of Transportation for Fiscal year 2003. The funding for this program will help continue to provide transportation services to the rural areas, and help residents better access social services education, job opportunities, etc, state share is \$ 257,075 and Federal share is \$ 212,297. Funds will be used for personnel and operational expenses.

10. – e. Texas Title IV-E / Child Welfare Board –

A motion was made by Commissioner Vasquez and seconded by Commissioner Urdiales with all voting “Aye”, in favor to approve State of Texas Title IV-E Child Welfare Board Contract between Texas Department of Protective and Regulatory Services and maintenance of Child Welfare Board pursuant to Texas Family Code Section 264.005 and authorize the County Judge to execute all relevant documents and any matters incident thereto.

10. – f. Agreements / Reimbursement for Legal Services –

A motion was made by Commissioner Vasquez and seconded by Commissioner Urdiales with all voting “Aye”, in favor to approve agreements between the State of Texas and Webb County for reimbursement for legal services and certain other expenses Related to child abuse and neglect cases pursuant to Title IV-E of the Social Security Act, and authorizing the County Judge to execute all relevant documents and any matters incident thereto.

10. – g. Architectural Contract –

A motion was made by Commissioner Gutierrez and seconded by Commissioner Velasquez with all voting “Aye”, favor to enter into an Architectural Contract with Architectura, S.A., for the design of an approximately 1,000 sq. foot expansion to the Larga Vista Community Center for a fixed rate fee of \$ 15,000 and authorizing the County Judge to execute all relevant documents.

A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to go into Executive Session for the following items:

- 02-05-178 10. – h. } Action to amend the Agreement with Ellis and Ellis, pertaining to payment provisions, retainage and waiving of payment and performance binds and any matters incident thereto.
- 10. – i. } Action to initiate termination of operation Agreement with Prisoner Trust d/b/a/ Corrections Corporation of America due to top default in the performance of conditions of the Agreement, and initiate mediation and other proceedings as authorized by Agreement. And any matters incident thereto.
- 10. – j. } Action regarding claim of Webb County employee Dionne A. Degollado for payment of supplemental cancer insurance for her spouse.
- 10. – k. } Action regarding Cause No. 2000-CVQ-000070-D1; Melissa Gonzales, on her behalf and all others similarly situated vs. Webb County District Clerk and the Webb County Clerk; in 49th Judicial District Court of Webb County , Texas.
- 10. – l. } Action regarding claim of CitiCapital, formally Fidelity Leasing, in the amount of \$ 52,661.44 as of April 24, 2002 for photocopying machine placed at the Webb County Clerk’s Office pursuant to a lease Agreement signed by a former employee.
- 10. – m. } Action regarding Cause No. 98-CVQ-00357-D1 4R Minerals LTD., a Texas limited partnership vs. Webb County, Texas; in the 49th Judicial District Court of Webb County, Texas.

*****EXECUTIVE SESSION*****

The court returned to regular session and Judge Martinez stated that no action had been taken in Executive Session

10. – h. – A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to reject Bid Agreement and post a Special Meeting to bring forth next lowest bidder.

10. – i. – A motion was made by Commissioner Urdiales and seconded by Commissioner Vasquez with all voting “Aye”, in favor to authorize the County Attorney to send a letter to Prisoner Realty Trust d/b/a/ Corrections Corporation of America advising them of default in performance for the Operating Contract/Agreement for non-payment of fees that are due since 1/2001; furthermore, to provide them with notice of medication proceedings.

10. – j. A motion was made by Commissioner Vasquez and seconded by Judge Martinez with all voting “Aye”, in favor to deny the claim of Webb County Employee Dionne A. Degollado.

Commissioner Urdiales abstained from voting on this item.

10. – k.- A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to authorize the County Attorney to commence settlement as discussed in Executive Session.

10. – l. - A motion was made by Commissioner Gutierrez and seconded by Commissioner Velasquez with all voting “Aye”, in favor to authorize the County Attorney to have discussions with CitiCapital, formally Fidelity Leasing to resolve this matter.

10. – m. – A motion was made by Commissioner Gutierrez and seconded by Commissioner Vasquez with all voting “Aye”, in favor to approve the frame work that has been proposed, specifically replat that has been proposed for resolution as proposed by plaintiff along with the consultation of the Planning Department.

A motion was made by Commissioner Gutierrez and seconded by Commissioner Urdiales with all voting “Aye”, in favor to adjourn the meeting.

